COCHIN LEGISLATIVE COUNCIL

Friday, *the* *14th of December 1928.*
29th of Vrischigam 1104.

The House met at Half past Eleven of the Clock with the President in the Chair. Messrs. I. E. Ambooken, T. K. Nayar, A. Sankara Menon and A. K. Vengu Ayyar were absent.

Questions and Answers.

Export of Copra.

189. **Mr. C. Barton Wright.**—Will the Government be pleased to state the quantity of copra exported from the State and its approximate value?

Mr. V. B. Vaidyanatha Ayyar.—Government have no information.

Appointment of the Head clerk in the Excise Superintendent's Office.

190. **Mr. T. A. Ramachandra Ayyar.**—Will the Government be pleased to state:—

(a) the name, length of service and the permanent post of the person appointed as Head clerk in the Excise Superintendent's Office in the place of the former Head clerk, who was made the Ernakulam Excise Inspector;

(b) what was his pay before his appointment as Head clerk and what is his present pay;

(c) the number and names of other clerks stepped over by him with their respective qualifications;

(d) has he passed Excise Test?

Mr. V. B. Vaidyanatha Ayyar.—(a)(1) C. R. Ganapathi Ayyar.

(2) Two years.

(3) Permanent post. Nil.

(b) Rs. 25 and Rs. 60 respectively.

(c) According to the principle laid down by the late Mr. Brown in 1921, the then Superintendent of Excise Revenue, and followed since then, none but graduates could be appointed as Head clerk in the Excise Superintendent's Office. At the

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time of the appointment in question, there were only two graduate clerks in the office, viz., Mr. Fenn, 4th clerk and Mr. C.R. Ganapathi Ayyar. The former was appointed as Assistant to the Deputy Superintendent on Rs. 65 and the latter as Head clerk. There were 8 clerks in the office above Mr. Ganapathi Ayyar but one of them is a graduate, and, therefore, he was appointed to the Head clerk's post. None of them was stepped over with regard to the appointment in question. So the question with regard to the names and qualifications does not arise.

(d). No. He has passed the Account Test.

Mr. T. A. Ramachandra Ayyar.—'According to the principle laid down by the late Mr. Brown in 1921'. Will the Government be pleased to read the order which contains this principle, I mean, the Proceedings which contains this order?

Mr. V. B. Vaidyanatha Ayyar.—I did not say Proceedings. No Proceedings was issued.

Mr. T. A. Ramachandra Ayyar.—Is there any record to show that he laid down such a principle?

Mr. V. B. Vaidyanatha Ayyar.—There is. He has recorded a note on a file.

Mr. T. A. Ramachandra Ayyar.—I want to know what is in that note.

President.—You will please read that.

Mr. V. B. Vaidyanatha Ayyar.—' Hereafter posts of Manager, Head Accountant and Head clerk must always be filled up by Graduates.'

Mr. T. A. Ramachandra Ayyar.—Is not the appointment of the Manager made by the Diwan?

President.—The power of appointment rests with the Diwan.

Mr. V. B. Vaidyanatha Ayyar.—Yes.

Mr. T. A. Ramachandra Ayyar.—So, is the Superintendent of Excise competent to prescribe the qualifications of the Manager?

Mr. V. B. Vaidyanatha Ayyar.—But he can recommend it.

Mr. T. A. Ramachandra Ayyar.—As stated in this House that, hereafter, the Manager, Head Accountant and Head clerk should be only graduates, is he competent to make such an order?

Mr. V. B. Vaidyanatha Ayyar.—The Superintendent recommends. It is not an order to the Diwan. That only expressed what his opinion in the matter was and, if he was consulted, the Superintendent of Excise Revenue would have strongly recommended to the Diwan that only graduates should be appointed as Manager.

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President.—He can make appointments only within his jurisdiction. For those outside he could make only recommendations to the Government and, even if he makes an appointment, it should be approved by the Government.

Mr. T. A. Ramachandra Ayyar.—Was any appointment of a person made, after this pronouncement, who was not a graduate?

Mr. V. B. Vaidyanatha Ayyar.—No, Sir. No permanent hands were entertained by me.

Mr. T. A. Ramachandra Ayyar.—Any acting appointments?

Mr. V. B. Vaidyanatha Ayyar.—Acting vacancies are filled up by giving regular promotions.

Mr. T. A. Ramachandra Ayyar.—Was not this appointment order vetoed by Government when Mr. Balasubrahmanya Ayyar was appointed as Head clerk?

Mr. V. B. Vaidyanatha Ayyar.—It was not.

Mr. T. A. Ramachandra Ayyar.—Was not this appointment after the first order was made?

Mr. V. B. Vaidyanatha Ayyar.—This order was recorded in 1921 and Mr. Balasubrahmanya Ayyar's appointment as Head clerk was shortly after that.

Mr. T. A. Ramachandra Ayyar.—Was it vetoed immediately by Government, as the Head of the Department acted against the principle laid down by Mr. Brown?

Mr. V. B. Vaidyanatha Ayyar.—No.

Mr. T. A. Ramachandra Ayyar.—Is he a graduate?

Mr. V. B. Vaidyanatha Ayyar.—Yes.

Mr. T. A. Ramachandra Ayyar.—Is Mr. Adisubrahmanya Ayyar a graduate? When was he appointed as Head clerk?

Mr. V. B. Vaidyanatha Ayyar.—Mr. Adisubrahmanya Ayyar is not a graduate. He was not permanently appointed. He was only acting Head clerk.

President.—Is there not a rule that, when a man is appointed in an acting vacancy, he has a claim when that post falls permanently vacant? When he is not given that post, he appeals to the Government and Government will have to decide the question. So what I say is, acting appointments should be made with considerable care.

Mr. V. B. Vaidyanatha Ayyar.—When the vacancies are for short periods, we have to give regular promotions; for such short periods, say, 15 days, one month, 2 months, it is very difficult to get graduates.

President.—In such instances the acting appointments should be made with the distinct understanding that when the

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vacancy becomes permanent, the person, who has acted on previous occasions, will not be entitled to put in any claim to that place.

Mr. T. A. Ramachandra Ayyar.—Is the present appointment acting or permanent?

Mr. V. B. Vaidyanatha Ayyar.— Permanent.

Mr. T. A. Ramachandra Ayyar.—In answer to the last part of (c) it is said that there were 8 clerks in the office above Mr. Ganapathi Ayyar but none of them is a graduate and, therefore, he was appointed to the Head clerk's post. None of them was stepped over with regard to the appointment in question. May I know whether any of the 8 clerks were stepped over as regards their pay?

Mr. V. B. Vaidyanatha Ayyar.—Oh! yes. It is given in answer to (b) that his former pay was Rs. 25 and his pay now is Rs. 60. So he has stepped over some as regards pay.

Mr. T. A. Ramachandra Ayyar.—Coming to the last part of the question, my question was 'has he passed the Excise Test'; and the answer given to me is 'No, he has passed the Account Test.' Has he passed any other examination?

Mr. V. B. Vaidyanatha Ayyar.—No.

President.—The last part of the answer that he has passed the Account Test is unnecessary.

Mr. T. A. Ramachandra Ayyar.—Whether he has passed any other examination test?

Mr. V. B. Vaidyanatha Ayyar.—No, except the Account Test.

191. Mr. V. K. Kochunni Menon.—Will the Government be pleased to state:—

(1) whether the present Head clerk of the Excise Superintendent's Office had any permanent appointment in the State service when he was appointed as Head clerk;

(2) if so, what was that post, when was he appointed for it and what was the pay for it;

(3) what are the special reasons, if any, for appointing the S. P. T. 10th clerk for the Head clerk's place?

Mr. V. B. Vaidyanatha Ayyar.—(1) No.

(2) This does not arise in view of the answer to question No. (1).

(3) Vide answer to question No. 190 (c).

192. Mr. K. J. Antony.—Will the Government be pleased to state:—

(1) whether it is a fact that a Brahmin graduate who was only an acting junior clerk on Rs. 25, i. e., in the lowest grade, in the Excise Superintendent's Office was in Kanni 1104 directly

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confirmed as the Head clerk on Rs. 60 in the same office, overlooking the claims of many other clerks there who have put in varying periods of long service;

(2) whether this action of the Excise Superintendent has been upheld by the Government as just and equitable;

(3) whether the Superintendent has made any report to the Government about this matter;

(4) if the answer to (3) is in the affirmative, what action the Government has taken about it; and

(5) the date on which the newly appointed Head clerk of the Excise Superintendent's Office was first entertained in service and the date of his confirmation as Head clerk.

Mr. V. B. Vaidyanatha Ayyar.—(1) The appointment referred to is a fact, the claims of no one were overlooked as none of them is eligible for the appointment according to the practice in vogue in the Department.

(2) No action has been taken by the Government in the matter.

(3) No.

(4) The question does not arise.

(5) Date of entertainment is 21st Thulam 1102 and date of confirmation is 21st Kanni 1104.

Mr. K. J. Antony.—With reference to the answer to subdivision (1), may I know what is the practice in vogue in the Department?

Mr. V. B. Vaidyanatha Ayyar.—In my Department?

Mr. K. J. Antony.—Yes. Kindly read answer to subdivision (1).

Mr. V. B. Vaidyanatha Ayyar.—According to the practice in vogue in the Department, that is, since 1921, the practice is that, whenever the posts of Manager, Head Accountant or Head clerk fall vacant, it should be filled up only by graduates.

Mr. K. J. Antony.—May I know in what month in 1921 was that order of Mr. Brown?

Mr. V. B. Vaidyanatha Ayyar.—I am sorry I have not brought my file here. I want notice.

Mr. K. J. Antony.—Is it in the month of February?

Mr. V. B. Vaidyanatha Ayyar.—I do not know.

Mr. K. J. Antony.—Was there not one Mr. Achyuta Menon, a graduate, holding a permanent post in that office, who was transferred from that office to another office?

Mr. V. B. Vaidyanatha Ayyar.—He was transferred. There is a question with regard to that coming up.

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Mr. K. J. Antony.—May I know where he is now and what pay he is drawing ?

Mr. V. B. Vaidyanatha Ayyar.—I do not know.

Mr. K. J. Antony.—When you wanted to put into practice the rule that Head clerks should be graduates, why did you not call that clerk Mr. Achyuta Menon, who was holding a permanent post in your office and who was transferred to some other office, for that post ?

Mr. V. B. Vaidyanatha Ayyar.—I think there is a question coming on this particular point; I have put that question for this day itself.

Mr. K. J. Antony.—That is only coming. I want an answer now.

Mr. V. B. Vaidyanatha Ayyar.—That has been answered in a subsequent question.

Mr. K. J. Antony.—That question may or may not come up for supplementary questions. May I know why he was transferred ?

Mr. V. B. Vaidyanatha Ayyar.—The answer is given in question No. 195 (4) ; no, in question No. 195 (1), 'the reason for the transfer was that the Superintendent found the clerk's conduct unsatisfactory."

Mr. K. J. Antony.—Was not Mr. Achyuta Menon, a graduate and was he not holding a permanent post ?

Mr. V. B. Vaidyanatha Ayyar.—Oh, yes.

Mr. K. J. Antony.—Why was he not called for when the Head clerk's post fell vacant permanently ?

Mr. V. B. Vaidyanatha Ayyar.—The same reason which stood good in getting him transferred.

Mr. K. J. Antony.—May I know what was the unsatisfactory conduct and the reason for transferring him ?

Mr. V. B. Vaidyanatha Ayyar.—His conduct was unsatisfactory.

Mr. K. J. Antony.—How was his conduct unsatisfactory?

Mr. V. B. Vaidyanatha Ayyar.—I do not think that I can disclose the reasons for the same.

Mr. K. J. Antony.—Why not ?

Mr. V. B. Vaidyanatha Ayyar.—I do not disclose it because it will not be in the interests of the clerk, and it is why that I am not disclosing the several causes that led to his transfer. His conduct was not considered satisfactory. It was not a degradation at any rate.

Mr K. J. Antony—Our purpose in putting questions to Government is to elicit answers and as such I insist on the President to get me an answer to my question 'why he consid-

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ered his conduct unsatisfactory' for he says his conduct was n o satisfactory.

President.—He has said that it cannot be disclosed.

Mr. V. B. Vaidyanatha Ayyar.—I can give the reasons; but it is in the interests of the clerk that I do not give. In any case I cannot disclose it now as the file is not here.

President.—You ask then for notice.

Mr. V. B. Vaidyanatha Ayyar.—I want notice. I said that in the interests of the clerk himself it is better not to disclose the reasons.

Mr. K. J. Antony.—We are not here to protect the party.

Mr. V B. Vaidyanatha Ayyar.—There are records to show that his conduct was not satisfactory.

Mr. K. J. Antony.—May I know whether this practice in vogue in the Department was not condemned by the Government when Mr. Balasubramnya Ayyar's appointment was brought to the notice of the Government?

Mr. V. B. Vaidyanatha Ayyar.—I was not aware, Sir.

Mr. K. J. Antony.—May I know whether the Hon'ble Member concerned has seen such an order that the appointment of Mr. Balasubramania Ayyar was unjust and prejudicial to the claims of others and that Mr. Balasubramania Ayyar's case at any rate should be borne in mind when making future appointments?

Mr. V. B. Vaidyanatha Ayyar.—I have not seen.

Mr. K. J. Antony.—May I know whether the Government or the Hon'ble Member for Excise had seen any press criticism in the papers about Mr. Balasubramania Ayyar's appointment?

Mr. V. B. Vaidyanatha Ayyar.—I am not aware.

Mr. K. J. Antony.—May I know whether Messrs. K. Sivarama Menon and Krishna Menon were in the Excise Department as Head clerks?

Mr. V. B. Vaidyanatha Ayyar.—I do not know, Sir.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I think they were.

Mr. V. B. Vaidyanatha Ayyar.—I want notice.

Mr. K. J. Antony.—May I know whether the Superintendent of Excise has any right to lay down such a principle in the Department?

Mr. V. B. Vaidyanatha Ayyar.—So far as my Department is concerned and so far as the appointments within my gift are concerned, it is competent to the Excise Superintendent to lay down such a rule.

Mr. K. J. Antony.—Does it not amount to over-riding the Standing Orders laid down for working the principle?

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Mr. V. B. Vaidyanatha Ayyar.—Sir, that is also answered in another question which comes up.

Mr. K. J. Antony.—It may or may not come up for answer.

Mr. V. B. Vaidyanatha Ayyar.—It is in question No. 193.

Mr. K. J. Antony.—May I know whether the Superintendent of Excise has the power to lay down such a rule binding on the Government?

Mr. V. B. Vaidyanatha Ayyar.—No.

Mr. K. J. Antony.—Is not the principle above referred to *ultra vires* of the Standing Orders?

Mr. V. B. Vaidyanatha Ayyar.—Sir, it is an expression of opinion and no question can be asked relating to an expression of opinion.

Mr. K. J. Antony.—May I know who is to determine the qualification of the Head clerk? Is it the Superintendent or the Government?

Mr. V. B. Vaidyanatha Ayyar.—It is the Superintendent?

Mr. K. J. Antony.—May I know if there had been any exceptions to the rule in the appointments to the first three places in the Excise Superintendent's Office?

Mr. V. B. Vaidyanatha Ayyar.—Permanent appointments are always made like that.

Mr. K. J. Antony.—Was not Mr. Adisubramania Ayyar's appointment as Head Accountant made by Mr. M. A. Chakko?

Mr. V. B. Vaidyanatha Ayyar.—It was not a permanent appointment; it was only an acting arrangement.

Mr. K. J. Antony.—Was it not in contravention of the rules laid down?

Mr. V. B. Vaidyanatha Ayyar.—Mr. Chakko is the self-same officer who when that acting appointment fell permanently vacant put a junior hand in that place as permanent.

Mr. K. J. Antony.—With reference to the answer to sub-division (2), may I know whether the matter has been brought to the notice of the Government?

Mr. V. B. Vaidyanatha Ayyar.—Not at the time when the appointment was made.

Mr. K. J. Antony.—When was it brought, then?

Mr. V. B. Vaidyanatha Ayyar.—According to the rules, we had to send in quarterly statements of the appointments made. So in the beginning of Vrischigam a return of the appointments, promotions, suspensions, punishments, etc., made in the quarter was sent to the Huzur Office.

Mr. K. J. Antony.—Has the attention of the Government been drawn to the press criticisms in paper about this appointment?

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Mr. V. B. Vaidyanatha Ayyar.—I cannot say.

193. **Mr. K. J. Antony.**—Will the Government be pleased to state for the information of the House:—

(1) whether at present the Head clerks, permanent or acting, in the under-mentioned offices of Heads of Departments are graduates:—

(i) Diwan Peishkar's Office, (ii) Agricultural Superintendent's Office, (iii) Conservator's Office, (iv) Chief Engineer's Office, (v) Police Commissioner's Office, (vi) Chief Medical and Sanitary Officer's Office, (vii) Registration Superintendent's Office, (viii) Anchal Superintendent's Office, (ix) Tramway Engineer's Office, (x) Chief Court, (xi) District Court of Anjikaimal, (xii) District Court of Trichur, (xiii) District Magistrate's Court and (xiv) Land Record Superintendent's Office;

(2) whether in the offices noted as Nos. (i), (ii), (iii),(xii) and (xiv) in the list in (1) the Managers or Sheristadars are graduates;

(3) if the Head clerks and Managers specified above are not graduates whether there is any special reason for the insistence on a graduate alone filling up the post of Head clerk in the Excise Superintendent's Office where there are two other heads superior to him in rank;

(4) whether in the office noted as Nos. (vi), (vii), (viii) and *i. e.* (xiii) in (1) above there are Managers or other ministerial above the Head clerk; and

(5) whether the Head clerk of the office noted as No. (vi) and the Manager of No. (xiv) in (1) above have passed either the Matriculation or School Final Examination?

Mr. A. K. Vengu Ayyar.—(1) No; with the exception of numbers (v) and (xiii) where the permanent Head clerks are graduates.

(2) No.

(3) In the Excise Superintendent's Office the Head clerk who had been a graduate having been transferred on other duty, a graduate Head clerk to succeed him was appointed in accordance with the practice obtaining in the Department. Heads of Departments who have the power of appointment have a discretion in the matter, provided they have sufficient justification in support of their action.

(4) No.

(5) No.

Mr. K. J. Antony.—With regard to the answer to sub-division (3), may I know whether this discretion is practised with the approval of the Government?

President.—No.

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Mr. V. B. Vaidyanatha Ayyar.—No.

Mr. K. J. Antony.—According to Standing Orders, is it not necessary for clerks drawing more than Rs. 45 to pass the Departmental Test to which they belong?

Mr. V. B. Vaidyanatha Ayyar.—There is no such rule in the case of all clerks.

Mr. K. J. Antony.—May I know in which all cases there is the rule?

Mr. V. B. Vaidyanatha Ayyar.—I think in the case of the Manager and Head Accountant they should pass the Account Test. No other tests are prescribed for any other clerks in the Excise Department.

Mr. K. J. Antony.—May I know what is the test of the Excise Department?

Mr. V. B. Vaidyanatha Ayyar.—No test has been prescribed for the Department as yet.

Mr. K. J. Antony.—Anything prescribed for the Department?

Mr. V. B. Vaidyanatha Ayyar.—No test has been prescribed.

Mr. K. J. Antony.—Is there any unprescribed test?

Mr. V. B. Vaidyanatha Ayyar.—I do not know.

Mr. K. J. Antony.—May I know what is the reason for the insistence of a graduate to fill up that post? Is there any special reason?

Mr. V. B. Vaidyanatha Ayyar.—I do not know. It was Mr. Brown who laid down that principle.

Mr. K. J. Antony.—May I know has the Government any power to prevent the arbitrary exercise of this discretion?

Mr. V. B. Vaidyanatha Ayyar.—Of course, if it was arbitrary, the Government could interfere.

Mr. K. J. Antony.—In this particular case are the Government convinced that there has been sufficient justification in the Superintendent's action?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is answered in the next question.

Mr. K. J. Antony.—Sir, on a point of order. When any Hon'ble Member makes any observation he will at least stand up and make the observation.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Thank you.

President.—The Member is not making any observation, He is supplying some information.

Mr. V. B. Vaidyanatha Ayyar.—Provided there is sufficient justification in support of their action.

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Mr. K. J. Antony.—Is there any particular cause or are the Government convinced that there is sufficient justification for the action of the Superintendent?

Mr. V. B. Vaidyanatha Ayyar.—Government's power of revision has not yet been exercised. The scrutiny will be made shortly.

Mr. K. J. Antony.—How long will that take?

President.—Shortly.

194. Mr. K. J. Antony.—Will the Government be pleased to inform the House:—

(1) whether any special rule has been laid down by them that the Head clerk of particularly the Excise Superintendent's Office, where there are the Manager and the Head Accountant above him in the ministerial staff, must be a graduate;

(2) if the answer to the above is in the affirmative, to furnish a copy of the rule or order;

(3) when graduates were promoted over the heads of non-graduates in the Chief Court and in the Registration Superintendent's Office and complaint arose, whether the Diwan has not ruled that the graduate clerks must take their chance equally with the non-graduates of the respective offices; and

(4) if the answer to (3) is in the affirmative, why this rule was not applied with equal force to the Excise Superintendent's Office?

Mr. V. B. Vaidyanatha Ayyar.—(1) and (2). No special rule has been laid down by the Government.

(3) Yes.

(4) The Government's power of revision has not yet been exercised and scrutiny will be made shortly.

195. Mr. K. J. Antony.—If preferment of graduates to non-graduates was the Excise Superintendent's motive in confirming as his Head clerk on Rs. 60 a junior clerk who was only acting for Rs. 25, will the Government be pleased to state:—

(1) whether the same principle was observed by the Superintendent when on his own initiative and at his request, a non-Brahmin graduate clerk of his office was changed for an unpassed clerk of the District Magistrate's Court;

(2) whether the unpassed Brahmin assistant to the Distillery Officer has applied for the post of Warehouse Officer (graded as an Excise Inspector) falling vacant on the retirement of Mr. K. P. Krishna Menon;

(3) whether in forwarding the application to the Diwan, the Superintendent had not definitely declared and recorded that the said Brahmin assistant to the Distillery Officer was unfit to be placed in charge of the Warehouse;

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(4) whether the self-same unpassed Brahmin assistant to the Distillery Officer was not since recommended and got appointed as the Warehouse Officer of the Excise Inspector's grade ;

(5) whether a Christian graduate, then drawing Rs. 40 in the Excise Superintendent's Office, had not applied for the post of Warehouse Officer;

(6) whether this Christian graduate had not previously acted for a considerable time as an Excise Inspector on a higher pay ;

(7) whether there were not other graduates also already in the service who had applied for the Excise Inspector's post to be vacated by Mr. K. P. Krishna Menon, retiring;and

(8) whether the principle of preferment of graduates to non-graduates much more to unpassed men was followed in the appointment of the unpassed Brahmin assistant to the Distillery Officer, as Warehouse Officer, Ernakulam, in preference to other graduate applicants already in the service;

(9) if not, why not?

Mr. V. B. Vaidyanatha Ayyar.—Preferment of graduates to non-graduates as a principle was not the reason of the Superintendent for the appointments in question. The late Mr. Brown had recorded in 1921 that the Superintendent's Office Head clerk should be a graduate and the Superintendent followed it.

(1) There is no question of principle involved in the mutual transfer. The reason for the transfer was that the Superintendent found the clerk's conduct unsatisfactory.

(2) Yes.

(3) Yes, for being permanently appointed to the post.

(4) Yes, only for being put in charge of the Warehouse temporarily.

(5) Yes.

(6) Yes.

(7) Yes.

(8) There is no question of principle involved in this. The unpassed assistant has not been appointed Warehouse Officer. He is only in temporary charge of the Warehouse.

(9) The question does not arise.

Mr. K. J. Antony.—With regard to the answer to subdivision (3),—

President.—This Head clerk's appointment affair, is it not over?

Mr. V. B. Vaidyanatha Ayyar.—No. Question No, 195 also has reference to it.

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Mr. K. J. Antony—I do not know whether there is reference there to the Head clerk.

Now, may I know what is the unsatisfactory nature of his conduct?

President.—We must look into the papers.

Mr. K. J. Antony.—Is the Warehouse establishment permanent?

Mr. V. B. Vaidyanatha Ayyar.—No.

Mr. K. J. Antony.—Then, how can you say that, when Mr. Krishna Menon retired, that vacancy is a permanent vacancy?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That question is addressed to the Member. It should be addressed to the Chair.

Mr. K. J. Antony.—All observations are addressed to the Chair, even though there is the word 'you' there. Even the Hon'ble Member said 'thank you' when I observed that Hon'ble Members when making observations should at least stand up and then state what they have to say.

President.—'The Member for Excise' would be the proper form.

Mr. K. J. Antony.—With regard to sub-division (5), when the post of the Warehouse Officer fell vacant, was it with any intention that the Christian graduate was sent to Malippuram?

Mr. V. B. Vaidyanatha Ayyar.—Yes. I did it at his own request and it was a promotion to him also.

Mr. K. J. Antony.—If that was the intention, why was he not sent as soon as the vacancy arose in Malippuram?

Mr. V. B. Vaidyanatha Ayyar.—That was not filled up at once. It was not actually necessary to fill up the post as soon as the vacancy there arose.

President.—With regard to this Head clerk's appointment, Mr. Ganapathi Ayyar's appointment on Rs. 60, how many intervening clerks are there?

Mr. V. B. Vaidyanatha Ayyar.—Eight.

President.—Since this man was appointed over the head of 8 men, it apparently looks rather hard.

Mr. V. B. Vaidyanatha Ayyar.—I only followed the principle laid down by the late Mr. Brown, Sir. There were only two graduates in my office, viz., Mr. Fenn, who was the fourth clerk and was drawing Rs. 40, and Mr. C. R. Ganapathi Ayyar. There were two vacancies, viz., the post of the Assistant to the Deputy Superintendent, Malippuram, on Rs. 65 and that of the Head clerk of my office on Rs. 60. It is true that accord-

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ing to the Standing Orders neither of these posts requires a graduate. But according to the principle laid down by the late Mr. Brown in 1921 and followed since then, the Head clerk and the staff above him have always been graduates. Since it is the practice in my office to have graduates for posts carrying a pay of Rs. 60 and above, I thought that the post of the Assistant to the Deputy Superintendent of Malippuram should also be filled up by a graduate. I accordingly appointed Mr. Fenn as Assistant to the Deputy Superintendent overlooking the claims of his seniors who are three in number. After the appointment of Mr. Fenn, there was only one other graduate in my Department and that is Mr. Ganapathi Ayyar. And according to the practice in my Department, I had to appoint him as the Head clerk. It is true that in so appointing him eight intervening clerks were passed over. But none of these eight clerks is a graduate and, therefore, it cannot be said that the claims of any of them have been overlooked. I have, however, not the slightest objection, if the Government thinks otherwise, to cancel these two appointments.

President.—It is true that rules are laid down by your predecessors, but it is not necessary that you should follow them. It is not a rule made by the Government. Was that rule approved by you? A predecessor has no right to lay down any rule to his successor.

Mr. V. B. Vaidyanatha Ayyar.—I approved of it, Sir.

President.—It is for the working of the office that your predecessor has laid down a rule. He cannot tie down any or all his successors. Is this rule just, can I follow it, have all those considerations been made by you?

Mr. V. B. Vaidyanatha Ayyar.—I found that the rule made by my predecessor, Mr. Brown, was followed by his successor, Mr. Chakko, also. Then I thought that I should follow that rule myself. I did not consider that rule unjust in the case of appointments carrying Rs. 60 and above.

President.—Then have you enquired whether there are graduates in other offices to be appointed to that place?

Dr. A. R. Menon.—Sir, on a point of order. I wish to point out most respectfully to the Chair that by this kind of interference or by this kind of discussion we are prevented from getting answers to questions from the Members concerned. There is a large number of questions tabled for to-day and only a few have been taken up. If we go on in this way we will not be able to reach those questions. So I most respectfully point out to the Chair that the discussions may be stopped.

President.—If you think in that way, then I shall stop.

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Dr. A. R. Menon.—Why I point out that is that yesterday, though there were many important questions to be answered, we had to stop at half past twelve. So I submit there must be a limit to these discussions.

President.—I will stop my discussion, Mr. Vaidyanatha Ayyar.

Sale of toplings in the Forest Department.

196. **Mr. C. A. Kunjunni Raja.**—Will the Government be pleased to state the total measurements of the toplings sold to Messrs. Namberumal Chetty & Sons and C. P. Luiz and the amount realised by the same during the last three years;

(2) was the measurement of either checked on any of the occasions by the audit staff; if so, was there any difference and how much was the difference:

(3) how was the difference brought about;

(4) what was the maximum and minimum girth and length of the logs treated as toplings; what was the average length and girth of the same?

Mr. K. Govinda Menon.—(1) (a) Toplings sold to Messrs. Namberumal Chetty & Sons. Candies 3,605—1—7—12 and value realised Rs. 56,235—14—3.

(b) To Mr. Luiz. Nil.

(2) No.

(3) No reply is necessary in view of the answer to (2) above.

(4) Length of the longest topling $16\frac{3}{4}$ koles.

Length of the shortest topling $2\frac{1}{4}$ koles.

Quarter girth of the biggest 23 vannams. Quarter girth of the smallest 5 vannams. Average length and quarter girth 8 koles and 7 vannams respectively.

Agreement with Mr. Mugaseth for the supply of timber.

197. **Mr. C. A. Kunjunni Raja.**—(1) Will the Government be pleased to place on the Table of the House copies of all agreements during the last 10 years with Mr. Mugaseth for the supply of rose-wood and to state (2) what were the actual expenses incurred by the Government to fell, collect and deliver timber in pursuance of each of the contracts;

(3) what was the total quantity of timber supplied under each of the contracts;

(4) how many logs did the contractor take as first, second, third and fourth class on each occasion;

(5) what is the hill depot measurement of the timber supplied on each occasion;

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